IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

Friday, the Twenty Ninth day of October, two thousand and four

Present:

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NOS. 19933, 20931 AND 22066 OF 2000

WRIT PETITION No. 19933 OF 2000

Between:

B.Ramesh Kumar S/o Ramana, aged about 33 years, occ: Assistant Engineer, A.P.State Housing Corporation Ltd., Veeraghattam, Srikakulam District.

…Petitioner

And

1. The Government of Andhra Pradesh, represented by its Principal Secretary, Housing Department, Secretariat, Hyderabad.

2. The Managing Director, A.P.State Housing Corporation Ltd., Gruhakalpa Buildings, M.J.Road, Nampally, Hyderabad.

3. The District Collector, Srikakulam District, Srikakulam.

4. B.Lakshman Rao, Assistant Engineer, A.P.State Housing Corporation Ltd., Srikakulam, Srikakulam District.

5. B.Samuel, Assistant Engineer, A.P., State Housing Corporation Ltd., Srikakulam, Srikakulam District.

…Respondents

WRIT PETITION No. 20931 OF 2000

Between:

V.Narsinga Rao s/o V.Narayana, aged 33 years, occ: Assistant Engineer, A.P.State Housing Corporation Limited, Pathapatnam, Srikakulam District.

…Petitioner

And

1. The Government of Andhra Pradesh, represented by its Principal Secretary, Housing Department, Secretariat, Hyderabad.

2. The Managing Director, A.P.State Housing Corporation Ltd., Gruhakalpa Buildings, M.J.Road, Nampally, Hyderabad.

3. The District Collector, Srikakulam, Srikakulam District.

…Respondents

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WRIT PETITION No. 22066 OF 2000

Between:

M.Mohan Rao s/o M.Chandraiah, aged 34 years, occ: Assistant Engineer (Houasing), A.P.State Housing Corporation Limited, Kothuru Mandal, Srikakulam District.

…Petitioner

And

1. The Government of Andhra Pradesh, represented by its Principal Secretary, Housing Department, Secretariat, Hyderabad.

2. The Managing Director, A.P.State Housing Corporation Ltd., Gruhakalpa Buildings, M.J.Road, Nampally, Hyderabad.

3. The District Collector, Srikakulam, Srikakulam District.

…Respondents

Petitions under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to regularize the services of the petitioners in the cadre of Assistant Engineers and pay all consequential benefits and further set aside the G.O.Rt.No.114, Housing (RH-1) Department, dt.19-4-1999 declaring the same as illegal and arbitrary.

For the Petitioners: Mr.B.Nageswara Rao, Advocate.

For the Respondents 1 & 3 : G.P., for Housing.

For the Respondent No.2 : Mr.Ch.Naidu,

The Court made the following :

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COMMON ORDER:

Both the learned counsel appearing for the respective parties submit that the subject matter of these writ petitions is squarely covered by the order of this Court in W.P.No.25377 of 1997, dated 1-10-2004. The said order is extracted as follows:-

> **"This writ petition is filed by the petitioner aggrieved by the action of the respondents in proposing to withdraw the in-charge arrangement under which he was asked to work as in-charge Assistant Engineer. The petitioner sought for a direction to the respondents to regularize his services in the cadre of Assistant Engineer. But the stand of the respondents is that there are many seniors who are eligible for promotion, apart from lack of vacancies in the cadre of Assistant Engineer.**
>
> **At the time of hearing, it is represented that the Government issued G.O.Rt.No.114, dated 19-4-1999, under which the respondent-corporation was directed to continue these in-charge Assistant Engineers in the same status drawing their own scales of pay till their turn comes up for consideration of their promotions as Assistant Engineers.**
>
> **As it is stated that an order was passed by the respondent-Corporation in terms of the said G.O., the subject matter in this Writ Petition has become infructuous.**
>
> **Hence the Writ Petition is dismissed as infructuous. No costs".**

In view of the aforesaid order, these Writ Petitions are dismissed as infructuous. No costs.

V.ESWARAIAH, J

Date: 29-10-2004.

Shr.

Asst.Registrar.

Copies to:

1. The Principal Secretary to Government of Andhra Pradesh, Housing Department, Secretariat, Hyderabad.

2. The Managing Director, A.P.State Housing Corporation Ltd., Gruhakalpa Buildings, M.J.Road, Nampally, Hyderabad.

3. The District Collector, Srikakulam District, Srikakulam.

4. B.Lakshman Rao, Assistant Engineer, A.P.State Housing Corporation Ltd., Srikakulam, Srikakulam District.

5. B.Samuel, Assistant Engineer, A.P., State Housing Corporation Ltd., Srikakulam, Srikakulam District.

6. Two CCs., to the G.P., for Housing, High Courts Buildings, Hyderabad (OUT).

7. Two C.D. copies.